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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/020,451	
	Confirmation Number	1695	
	Filing Date	December 14, 2001	
	First Named Inventor	TAYLOR, CHARLES S.	
	Group Art Unit	3731	
	Examiner Name	Unassigned	
Total Number of Pages in This Submission	11	Attorney Docket Number	GUID-003CON3

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (In Duplicate) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Copy of Notice of Omitted Item - Copy of Fig. 9 & 9A - Copy of Express Mail Label - Copy of Utility Patent Transmittal as filed - Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	ALAN W. CANNON, Reg. No. 34,977
Signature	
Date	February 13, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: February 13, 2002.			
Typed or printed name	Martha Cisneros	Signature	
Signature		Date	February 13, 2002

Burden Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2002 <i>Patent fees are subject to annual revision.</i>		Complete if Known	
TOTAL AMOUNT OF PAYMENT (\$)		Application Number	10/020,451
130.00		Filing Date	December 14, 2001
		First Named Inventor	TAYLOR, CHARLES S.
		Examiner Name	Unassigned
		Group Art Unit	3731
		Attorney Docket No.	GUID-003CON3
METHOD OF PAYMENT		FEE CALCULATION (continued)	
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit overpayments to: Deposit Account Number 50-0815 Deposit Account Name Bozicevic, Field & Francis LLP <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant Claims small entity status. See 37 CFR 1.27		3. ADDITIONAL FEES	
2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other			
FEE CALCULATION			
2. BASIC FILING FEE			
Large Entity Fee Code Fee (\$)		Small Entity Fee Code Fee (\$)	
101 740 201 370 Utility filing fee		105 130 205 65 Surcharge - late filing fee or oath	
106 330 206 165 Design filing fee		127 50 227 25 Surcharge - late provisional filing fee or cover sheet	
107 510 207 255 Plant filing fee		139 130 139 130 Non-English specification	
108 740 208 370 Reissue filing fee		147 2,520 147 2,520 For filing a request for <i>ex parte</i> reexamination	
114 160 214 80 Provisional filing fee		112 920* 112 920* Requesting publication of SIR prior to Examination action	
SUBTOTAL (1)		113 1,840* 113 1,840* Requesting publication of SIR after Examiner action	
1. EXTRA CLAIM FEES		115 110 215 55 Extension for reply within first month	
Total Claims -20** = x Fee from below = Fee Paid =		116 400 216 200 Extension for reply within second month	
Indep. Claims -3** = x Fee from below = Fee Paid =		117 920 217 460 Extension for reply within third month	
Multiple Dependent =		118 1,440 218 720 Extension for reply within fourth month	
Large Entity Fee Code Fee (\$)		128 1,960 228 980 Extension for reply within fifth month	
103 18 203 9 Claims in excess of 20		119 320 219 160 Notice of Appeal	
102 84 202 42 Independent claims in excess of 3		120 320 220 160 Filing a brief in support of an appeal	
104 280 204 140 Multiple dependent claim, if not paid		121 280 221 140 Request for oral hearing	
109 84 209 42 ** Reissue independent claims over original patent		138 1,510 138 1,510 Petition to institute a public use proceeding	
110 18 210 9 ** Reissue claims in excess of 20 and over original patent		140 110 240 55 Petition to revive - unavoidable	
SUBTOTAL (2) \$		141 1,280 241 640 Petition to revive - unintentional	
**or number previously paid, if greater; For Reissues, see above.		142 1,280 242 640 Utility issue fee (or reissue)	
		143 460 243 230 Design issue fee	
		144 620 244 310 Plant issue fee	
		122 130 122 130 Petitions to the Commissioner 130.00	
		123 50 123 50 Processing fee under 37 CFR 1.17(q)	
		126 180 126 180 Submission of Information Disclosure Stmt	
		581 40 581 40 Recording each patent assignment per property (times number of properties)	
		146 740 246 370 For each additional invention to be examined (37 CFR § 1.129(a))	
		149 740 249 370 For each additional invention to be examined (37 CFR § 1.129(b))	
		179 740 279 370 Request for Continued Examination (RCE)	
		169 900 169 900 Request for expedited examination of a design application	
		Other fee (specify) _____	
		*Reduced by Basic Filing Fee Paid	
		SUBTOTAL (3) (\$) 130.00	

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Alan W. Cannon	Registration No. (Attorney/Agent)	34,977
Signature		Telephone	(650) 327-3400
		Date	02/13/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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Page 1 of 2

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/020,451	12/14/2001	Charles S. Taylor	GUID003CON3

24353
BOZICEVIC, FIELD & FRANCIS LLP
200 MIDDLEFIELD RD
SUITE 200
MENLO PARK, CA 94025

CONFIRMATION NO. 1695

FORMALITIES LETTER

OC000000007357523

FEB - 1 2002

Date Mailed: 01/24/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- o Figure(s) **Fig. 9 and 9A** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.

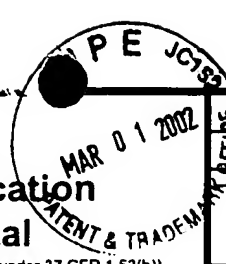
A Manalac
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Utility
Patent Application
Transmittal

(Only for new nonprovisional applications under 37 CFR 1.53(b))



Attorney Docket Number	GUIDE03CON3
First Name of Inventor	Charles S. Taylor
Title	Surgical Devices for Imposing a Negative Pressure to Stabilize Cardiac Tissue During Surgery
Express Mail Label No.	EL 923 480 242 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification (preferred arrangement set forth below) Total Pages **20**
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R&D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claims(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) Total Sheets **7**
5. Oath or Declaration Total Pages **2**
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63(d))
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☒ Application Data Sheet, See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-Rom or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & documents(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
17. ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: **09/440,106 filed on November 15, 1999**

Prior Application Information: Examiner _____ Group Art Unit: **3736**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

Fee Calculation

CLAIMS AS FILED

For	#Filed	# Allowed	#Extra	Rate	Fee
Total Claims	18	20	0	x	\$0.00
Indep. Claims	3	3	0	x	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
TOTAL CLAIM FEES					
BASIC FILING FEE					\$740.00
OTHER FEE (specify purpose) <u>ASSIGNMENT</u>					\$40.00
TOTAL					\$780.00

The Commissioner is authorized to charge any fees which may be required, to credit any overpayment to Deposit Account 50-0815. If additional fees are required, including extensions of time, please consider this a petition therefore. A duplicate copy of this sheet is enclosed.

RECORDED
filed 12/14/2001
IDS due 03/14/2002

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

19. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

19. CORRESPONDENCE ADDRESS

Customer Number or
Bar Code Label



Correspondence Address below

Name (Print/Type)		Alan W. Cannon		Registration No.		34,977	
Signature				Date		12/14/01	
Firm Name		Bozicevic, Field & Francis LLP		Address		200 Middlefield Road, Suite 200	
City		Menlo Park		State		California	
zip		94025		Telephone - Direct Dial		(650) 833-7715	
Fax		650-327-3231					



BOZICEVIC, FIELD & FRANCIS, LLP
200 MIDDLEFIELD ROAD, SUITE 200
MENLO PARK, CA 94025

57



Express Mail No. EL 923 480 242 US

Atty/Sec: AWC/mpc

File No. GUID-003CON3

Date Mailed: December 14, 2001

Application No.: Unassigned

Filing Date: Herewith(12/14/01)

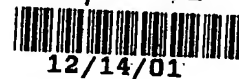
Inventor(s): Charles S. Taylor

Title: *Surgical Devices for Imposing a Negative Pressure to Stabilize Cardiac Tissue During Surgery*

Enclosures:

- ◆ Utility Patent Application Transmittal in Duplicate (4 pgs.)
- ◆ Application Data Sheet (2 pgs)
- ◆ Specification (20 pgs)
- ◆ 7 Sheets of Figures
- ◆ Preliminary Amendment (8 pgs.)
- ◆ Declaration (2 pgs.)
- ◆ Recordation Form Cover Sheet (1 pg.)
- ◆ Assignment (3 pgs.)

j1017 U.S. PTO
10/020451



Acknowledge Receipt of enclosures
By imprinting PTO Date Stamp
and Returning to addressee